

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2003-0036

RICE PESTICIDE PROGRAM - CONTROL OF THIOBENCARB IN 2003

WHEREAS, in 1990 the California Regional Water Quality Control Board Central Valley Region (hereafter the Regional Board) established performance goals and a prohibition of discharge for five rice pesticides in the fourth edition of its Water Quality Control Plan (hereafter Basin Plan); and

WHEREAS, the Basin Plan states that the discharge of irrigation return flows containing carbofuran, malathion, methyl parathion, molinate and thiobencarb, is prohibited unless the discharger is following a management practice approved by the Regional Board, and that implementation of these management practices must be expected to result in compliance with the performance goals; and

WHEREAS, the Basin Plan contains the following rice pesticide performance goals applicable to all waters designated as freshwater habitat: carbofuran (0.4 µg/l), malathion (0.1 µg/l) methyl parathion (0.13 µg/l), molinate (10 µg/l) and thiobencarb (1.5 µg/l); and

WHEREAS, the Basin Plan also contains a water quality objective of 1.0 µg/l thiobencarb in waters designated for municipal and domestic supply. This level is also the secondary maximum contaminant level (MCL) set by the Department of Health Services to prevent taste complaints in drinking water supplies; and

WHEREAS, in 1983, in consultation with the Regional Board, the California Department of Food and Agriculture established the Rice Pesticide Program to address fish toxicity and drinking water taste concerns related to rice pesticides; and

WHEREAS, in 1991, the California Department of Pesticide Regulation (DPR) was established and took over responsibility and oversight of the Rice Pesticide Program; and

WHEREAS, DPR acts as the lead agency under the California Environmental Quality Act (CEQA) by developing the rice pesticide control effort pursuant to its certification program; and

WHEREAS, on 26 April 2002 the Regional Board approved the DPR Rice Pesticide Program for their proposed management practices for the 2002 through 2003 rice seasons; and

WHEREAS, on 26 April 2002, the Regional Board also directed staff to schedule Board reconsideration of the management practices if concentrations of thiobencarb at the intake to the City of Sacramento or the City of West Sacramento drinking water supplies exceed the maximum level detected at these sites in 2001 (which was 0.59 µg/l); and

WHEREAS, the level of thiobencarb was exceeded four times during the 2002 rice season, including three detections at the City of West Sacramento intake of 0.65 µg/l (May 22).

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1.6 µg/l (May 24) and 0.73 µg/l (May 27) thiobencarb, and one detection at the City of Sacramento intake of 0.91 µg/l (May 24); and

WHEREAS, in the 31 December 2002 report *Rice Pesticide Use and Surface Water Monitoring 2002 submitted to the California Regional Water Quality Control Board (DPR Report)*, DPR provides monitoring data for the past season and proposes management measures for the 2003 rice season; and

WHEREAS, monitoring data collected during the 2002 season show that the management practices were not completely effective in meeting the thiobencarb performance goals in either the Colusa Basin Drain or Butte Slough and that the secondary MCL for thiobencarb was violated on 24 May 2002 in the Sacramento River at the City of West Sacramento's drinking water intake; and

WHEREAS, DPR has not proposed any regulatory changes to the Program for the 2003 rice season; and

WHEREAS, the Regional Board can not conclude, based on information in the DPR report, that the Program for 2003 will prevent discharges containing thiobencarb from exceeding the Basin Plan objective of 1 µg/l in drinking water supplies; and

WHEREAS, if the Regional Board, upon reconsideration of the management practices for thiobencarb, rescinds its approval of those management practices, then the prohibition of the discharge of return flows containing thiobencarb remains in effect; and

WHEREAS, the Regional Board held a public meeting in which it considered all comments regarding management practices to control the five rice pesticides;

THEREFORE BE IT

RESOLVED, that the Regional Board approves the management practices for thiobencarb in DPRs proposed Rice Pesticide Program for the 2003 season subject to the following conditions, as detailed in the California Rice Commission (CRC) 13 March letter 2003 *Rice Pesticide Program Consensus Recommendation*:

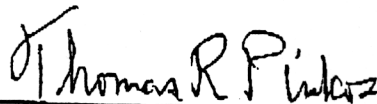
- 1) A Storm Event Work Group will be established to identify and recommend mitigation measures to improve compliance in the event of severe storm events.
- 2) Monitoring of thiobencarb will be increased to include two new monitoring sites, monitoring storm related release from a closed system and modification of monitoring at all sites to focus on the period of heaviest pesticide use.
- 3) DPR will direct County Agricultural Commissioners (CACs) to focus seepage inspection efforts on areas with known problems, take action on violations and to notify the Regional Board within 30 days of fields with multiple violations.
- 4) DPR will prohibit the use of Bolero 10G in California.
- 5) Thiobencarb use will be restricted within a 1/4 mile buffer zone from the Sacramento River in Sacramento and Yolo Counties to:
 - i) Ground applications; or,
 - ii) Aerial application if a CAC is on site; or,
 - iii) On, on a daily basis, limited to no more than 33% of the 2002 total daily average acreage applied by air in Sacramento and Yolo Counties.

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- 6) Wind speed during aerial applications will be reduced to a maximum of 7 mile per hour, wind away, within 1/2 mile of the Sacramento and Feather Rivers unless a CAC observes application.
- 7) DPR will encourage CACs to observe aerial applications with increased surveillance and observations of wind permit conditions. DPR enforcement staff will assist CAC staff with wind surveillance with fines for violators.
- 8) CRC will host two preseason mandatory stewardship meetings for growers, Pest Control Advisors and applicators on drift conditions, permit conditions, and enforcement activities. Those who cannot attend the meeting must meet individually with CAC staff.
- 9) The CRC and the Coalition for Urban/Rural Environmental Stewardship (CURES) will continue their drift stewardship efforts and the industry will continue to fund additional county surveillance at non-traditional hours.
- 10) If the water quality objective for thiobencarb is not met during the 2003 rice season, DPR and the CRC will return before the Board with actions to be implemented to achieve the water quality objective for the 2004 rice season.

I, THOMAS R. PINKOS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 14 March, 2003.



THOMAS R. PINKOS, Executive Officer

Amended 14 March 2003

AES: